THE HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO.5790 OF 2007

O R D E R:

The petitioners assail proceedings No.A/250/04 dated 23-02-2007 issued by the respondent. The purport of impugned proceedings is that assignment covered by survey no.120/36 is cancelled. The petitioners claim to have purchased house plots from the owner covered by said survey number. The grievance of the petitioners is that the respondent without issuing notice or subjecting the petitioners to any enquiry passed the order impugned in the writ petition.

Learned counsel at the time of hearing contends that though the order impugned in the writ petition is appealable, since the principles of natural justice are violated the petitioners are pursuing the writ remedy under Article 226 of Constitution of India. The order impugned was passed on 23-02-2007. The grievance can also be looked into and an appropriate order can be passed by the appellate authority, if an appeal is presented for adjudication by the petitioners. On account of lapse of several years from the date of passing of impugned order, I am not inclined to exercise my discretion to admit the writ petition. However, in order to permit available legal remedy to the petitioners, I consider it appropriate to grant (30) days from today to the petitioners to file appeal against the order impugned. The same shall be taken up and considered in accordance with law and proper orders are passed by the appellate authority.

The writ petition is disposed of accordingly. No order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

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S.V. BHATT, J

06-06-2014.
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